



# Indiana Department of Education

SUPPORTING STUDENT SUCCESS

May 28, 2010

Mr. James Kapsa, Superintendent  
South Bend Community School Corporation  
215 S. St. Joseph Street  
South Bend, IN 46601

Dear Mr. Kapsa:

On April 20, 2010, the Indiana Department of Education's (IDOE) Title III monitoring team commenced an on-site monitoring review of South Bend Community School Corporation's administration of Title III of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the *No Child Left Behind Act* (NCLB) and the State of Indiana Non-English Speaking Program (NESP). This visit served as follow-up review to the February 2010 implementation of the Title III Annual Measurable Achievement Objectives (AMAO) Improvement Plan. Enclosed is a report based upon those reviews.

Prior to, during, and following the on-site monitoring review, the IDOE team conducted a number of activities (described in the attached report) to verify compliance with the programmatic requirements of Title III and the State of Indiana Non-English Speaking Program.

The enclosed report summarizes the results of the on-site monitoring review. **Within 30 business days of the date of this letter**, please submit a response, and where appropriate, further documentation. IDOE will review the documentation and determine if it is sufficient to remove or remedy identified compliance problems.

In all cases where there are findings of non-compliance, **South Bend Community School Corporation is responsible for taking appropriate action to remedy compliance deficiencies**. In some instances this can occur immediately and in some instances a longer term solution may be necessary. Where longer-term measures are necessary, South Bend CSC must submit a specific detailed action plan with timelines and benchmarks for corrective action. IDOE is available to provide technical assistance as appropriate.

We look forward to continued cooperation in working with you and your staff members on any follow-up activities and assist in improving the delivery of Title III and NESP services.

Sincerely,

Lauren Harvey, Coordinator of English Language Learning & Migrant Education  
Division of Differentiated Learning  
Indiana Department of Education

cc: Maritza Robles, Title III/NESP Program Administrator  
South Bend CSC

Lee Ann Kwiatkowski, Director  
Alyson Luther, Response to Instruction (Rtl) Coordinator  
Kristen Perry, ELL Specialist  
Division of Differentiated Learning  
Indiana Department of Education

**Indiana Department of Education  
Title III and Non-English Speaking Program Monitoring Report**

**School Corporation:** South Bend Community School Corporation  
**Monitoring Team:** Lauren Harvey, Coordinator of ELL&ME; Alyson Luther, Rtl Coordinator;  
Kristen Perry; ELL Specialist

**Background Information**

The Indiana Department of Education (IDOE) conducted on-site monitoring on April 20, 2010. The purpose of the on-site monitoring visit was to identify areas of strength, areas that need improvement, and areas of non-compliance with the Title III and Non-English Speaking Program requirements in relation to the Title III Annual Measurable Achievement Objectives (AMAO) Improvement Plan.

IDOE specifically monitored in the following areas:

| <b>Monitoring Topic</b> |   | <b>Statutory Citation</b>  |
|-------------------------|---|--|
| 1.1                     | Compliance with the English Language Proficiency Assessment requirements                              | NCLB, Title III §3113<br>NCLB, Title III §3116                           |
| 1.2                     | Compliance with requirements specific to meeting the Annual Measurable Achievement Objectives (AMAOs) | NCLB, Title III §3122(a)(1-3)<br>NCLB, Title III §3111(b)(2)(B)          |
| 1.3                     | Annual Measurable Achievement Objectives (AMAOs)  | NLCB, Title III §3122(a)<br>NLCB, Title I §1111(b)(2)(B)                 |
| 1.4                     | Compliance with the English Language Proficiency (ELP) Standards requirements                         | NCLB, Title III §3113  |
| 1.5                     | Compliance with Data Collection and Reporting requirements  | NCLB, Title III §3121<br>NCLB, Title III §3123<br>EDGAR 34<br>CFR 76.731 |
| 2.1                     | Compliance with requirements for English Language Acquisition and Language Enhancement Programs       | NCLB, Title III §3111 (b)(2)   |
| 2.3                     | Compliance with Non-Public School Participation   | NCLB, Title III §9501  |
| 2.4                     | Compliance with Parental Notice and Outreach requirements   | NCLB, Title III §3302<br>Title VI, 34 CFR § 100.3 (a)(b)                 |
| 2.5                     | Compliance with Program Design and Implementation requirements  | NCLB, Title III §3115  |

During the on-site visit, IDOE spent time interviewing staff from South Bend CSC. In addition, IDOE visited Lincoln Elementary School, Navarre Intermediate School and Adams High School where staff interviews, classroom observations and document reviews were conducted. The report follows based on these activities.

## **Monitoring Topic I.1: Compliance with NCLB, Title III Compliance with the English Language Proficiency Assessment requirements**

### **Background**

IDOE interviewed the Title III Program Administrator and corporation certified teaching staff regarding compliance with the English Language Proficiency Assessment requirements.

*Statutory Requirements are contained in Sections 3113 and 3116.*

### **Areas of Compliance**

#### **English Language Proficiency Assessment:**

South Bend CSC indicated an approximate 87% return rate for Home Language Surveys and state that annually by September 1<sup>st</sup> each school submits a report to the corporation office outlining Home Language Survey results. SBCSC provided written documentation of the process used to ensure that the Home Language Survey is properly administered in all buildings.

Evidence was provided that completed LAS Links Placement Tests are administered at the central office based on the results of the Home Language Survey and that the Placement Test results are placed in student cumulative files. Student results from the Placement Test are shared with classroom teachers, program staff and parents through a case conference process detailing students' instructional placement. Evidence was provided that staff have been trained on administering the Placement Test as outlined in the ENL Handbook; and all students identified as LEP on the Placement Test are included in the Spring administration of the summative LAS Links English Proficiency Assessment.

Evidence was not shown that training was provided to all staff involved in administering the summative LAS Links English Proficiency Assessment.

#### **Data Reporting:**

The process used to ensure that English proficiency assessment data are accurately submitted on state DOE-LM reporting was demonstrated through submission of a written process outlining the data reporting process starting from Placement Test results through DOE-LM reporting, including the roles of all involved staff. The Title III program administrator is responsible for ensuring that reporting has been completed by all building level data liaisons.

### **Findings of Non-Compliance, Required Actions, and Recommendations for Monitoring Topic I**

**Finding:** All teachers involved in the LAS Links English Proficiency Assessment test administration process must be trained by participating in the IDOE provided training via WebEx or on-site workshop or by participating in a local training facilitated by an IDOE trained test administrator.

**Required Action:** By Monday, July 12, 2010, South Bend CSC must submit a plan and timeline to ensure that all staff involved in the Spring 2011 LAS Links testing process will be trained on test administration and scoring.

## **Monitoring Topic 1.2:**

### **Compliance with requirements specific to meeting the Annual Measurable Achievement Objectives (AMAOs)**

#### **Background**

IDOE interviewed the Title III Program Administrator, classroom teachers and ESL teachers regarding the delivery of English language development services as they relate to meeting the AMAOs. In addition, IDOE reviewed Individual Learning Plan (ILP) documentation provided during the on-site visit.

*Statutory Requirements are contained in Section 3122(a)(1-3) and Section 3111 (b)(2)(B)*

#### **Areas of Compliance**

##### **English Language Development Services:**

English Language Development services are implemented at the elementary level through self-contained ESL classrooms, pull-out, or push-in/inclusion support; and through ESL/ENL classes and sheltered content courses at the secondary level. Individual Learning Plans (ILPs) are developed annually by ESL staff and appropriate modifications for instruction and assessment are shared with classroom teachers. ILP implementation is monitored by the ESL program Education Specialist in each building. Evidence of service delivery was demonstrated through classroom observations and staff interviews.

##### **Annual Measurable Achievement Objectives (AMAOs):**

At the time of the visit, information about AMAOs determinations are made, the school corporation's performance on AMAO targets, and the current AMAO Improvement Plan, had been shared with ESL program staff and some administrators; however, at Adams High School classroom teachers were not familiar with how AMAOs are calculated and the school corporation's performance on the annual AMAO determinations in each of the three areas (making progress, attainment of proficiency, and AYP for the LEP sub-group).

#### **Findings of Non-Compliance, Required Actions, and Recommendations for Monitoring Topic 1.2**

**Finding:** At the time of the visit, not all grade levels of certified staff were aware of how AMAOs are calculated and the school corporation's performance on the annual AMAO determinations in each of the three areas (making progress, attainment of proficiency, and AYP for the LEP sub-group).

**Resolution:** On May 24, 2010, a meeting with 112 staff including all principals, classroom teachers, and instructional assistants was held to address the content of AMAO determinations and the school corporation's 2008-09 results. At that meeting, Spring 2010 LAS Links results were also shared and information was provided on how to use this data for instruction. The meeting also Evidence was submitted including the meeting agenda and power point. **Based on this documentation, no further action is required.**

## **Monitoring Topic 1.3: Annual Measurable Achievement Objectives (AMAOs)**

### **Background**

IDOE interviewed the Title III Program Administrator regarding AMAO requirements and reviewed relevant documentation.

*Statutory Requirements are contained in Title III, Section 3122(a), and Title I, Section 1111(b)(2)(B)*

### **Areas of Compliance**

#### **Parent Notification of AMAO Determinations:**

South Bend CSC provided a copy of the AMAO parent notification letter and verified that it is sent out not later than 30 days after the school corporation receives the AMAO report. The letter is available to parents in English and Spanish.

#### **AMAO Improvement Plan Implementation:**

Evidence was provided through documentation and interviews that the AMAO Improvement Plan has been implemented to address performance in AMAO III: Adequate Yearly Progress (LEP) sub-group in English/language arts and mathematics. South Bend CSC has analyzed student performance data and district instructional practices; and has provided support to instructional staff; and has developed measurable goals for improved student performance. Outcomes of the measurable goals will be analyzed in summer 2010 and next steps will be determined based on the 2009-10 AMAO determinations in fall 2010.

### **Findings of Non-Compliance, Required Actions, and Recommendations for Monitoring Topic 1.3**

There are no findings for Topic 1.3.

## **Monitoring Topic 1.4: Compliance with the English Language Proficiency (ELP) Standards requirements**

### **Background**

IDOE interviewed the Title III Program Administrator, ESL teachers, and classroom teachers and conducted classroom observations regarding usage of the English Language Proficiency Standards.

*Statutory Requirements are contained in Section 3113.*

### **Areas of Compliance**

#### **Use of the English Language Proficiency (ELP) Standards:**

South Bend CSC provided evidence, including agendas, handouts and sign-in sheets, that training and technical assistance has been provided to staff on appropriate usage and implementation of the English Language Proficiency (ELP) standards as they apply to instructional planning.

Evidence that effective and on-going usage of the ELP Standards as they apply to K-12 instructional and programming decisions and implementation was demonstrated by ESL teachers. The ELP Standards are utilized by ESL and classroom teachers to support instruction and assessment and the integration of indicators from the ELP Standards was shown in teachers' lesson plans in the content areas and for English language development instruction. At Adams H.S., not all interviewed content area teachers were familiar with the ELP Standards.

#### **Findings of Non-Compliance, Required Actions, and Recommendations for Monitoring Topic 1.4**

**Recommendation:** South Bend CSC must continue to address implementation of the ELP Standards through professional development and capacity building with all K-12 content area teachers (especially at the high school level), curriculum leaders and coaches, and administrators in order to ensure successful outcomes with the Title III AMAO Improvement Plan. South Bend CSC should ensure that during the 2010-11 school year, on-going professional development and technical assistance for corporation certified and classified staff with regards to the appropriate use of the ELP standards.

### **Monitoring Topic 1.5: Compliance with Data Collection and Reporting requirements**

#### **Background**

IDOE interviewed the Title III Program Administrator regarding the formal data reporting process specific to English Language Learners (ELLs). In addition, IDOE reviewed policies and other documentation provided during the on-site visit.

*Statutory Requirements are contained in Section 3121 and 3123; EDGAR 34 and CFR 76.731.*

#### **Areas of Compliance**

**DOE-LM Reporting:** School data reporting for the state level DOE-LM data collection from the building level to the school corporation level was described during the interview.

#### **DOE-LM Discrepancy Process:**

The process used to address reporting discrepancies at the building and district level for the ELL population was discussed during the interview.

At the time of the visit, the school corporation did not provide evidence of a written process for ensuring that each building accurately submits LEP student data to district level administrators for state level reporting on DOE-LM. Similarly, a written process for addressing any discrepancies in the school-to-district level student data reporting process was not provided. On April 30, 2010 appropriate evidence on these written procedures was provided to IDOE via fax and no further action is required on this area of compliance.

#### **Findings of Non-Compliance, Required Actions, and Recommendations for Monitoring Topic 1.5**

There are no findings for Topic 1.5.

## **Monitoring Topic 2.1:**

### **Compliance with requirements for English Language Acquisition and Language Enhancement Programs: Programmatic Support**

#### **Background**

IDOE interviewed the Title III Program Administrator, school principals, Title III staff, and classroom teachers regarding English language development programs. In addition, IDOE reviewed policies and other documentation provided during the on-site visit.

*Statutory Requirements are contained in Section 3111 (b)(2)*

#### **Areas of Compliance**

##### **Professional Development:**

Evidence was provided that on-going professional development specific to English Language Learners (ELLs) is offered to corporation staff. Teachers in grades 5-9 have received training on best practices related to Read 180 and English/language arts instruction. On-going staff meetings for ESL teachers and book studies have been implemented. There is a need to improve active participation and provide more sessions for general education teachers and administrators. An in-service is planned for June 2010.

##### **Collaboration:**

Through interviews with ESL and classroom teachers, evidence was shown that on-going collaboration between ESL program staff and general education staff occurs on an on-going basis and is facilitated by the Bilingual Services/Title III office. The Eight-Step improvement process through Title I has also be a good opportunity for collaboration between general education and ESL program staff.

#### **Findings of Non-Compliance, Required Actions, and Recommendations for Monitoring Topic 2.1**

There are no findings for Topic 2.1.

## **Monitoring Topic 2.3:**

### **Compliance with Non-Public School Participation**

#### **Background**

IDOE interviewed Title III Program Administrator and ESL Coordinator regarding communication with non-public schools and reviewed documentation.

*Statutory Requirements are outlined in Title III, Section 9501*

#### **Areas of Compliance**

##### **Consultation:**

South Bend CSC has performed commendably in regard to coordination with non-public schools. Documentation was provided demonstrating that South Bend CSC has initiated timely and meaningful consultation with non-public schools regarding Title III participation and ELL student instruction. Technical assistance has been provided to non-public schools on the ELL identification, English proficiency assessment

initial screening process, state data reporting requirements, and using English proficiency assessment data to determine instructional planning.

#### **Instructional Services:**

South Bend CSC Title III program staff have developed a collaborative relationship with non-public schools to review the Title III budget, identify student and programmatic needs, and identify how Title III funds will be spent. Services to non-public schools are monitored through a weekly conference call and monthly visits by Bill Barna. Technical assistance has been provided on ELL instructional services and program design through sharing of LAS Links instructional binders, best practices on instructional strategies, and communication with parents.

#### **Findings of Non-Compliance, Required Actions, and Recommendations for Monitoring Topic 2.3**

There are no findings for Topic 2.3.

### **Monitoring Topic 2.4: Compliance with Parental Notice and Outreach requirements**

#### **Background**

IDOE interviewed the Title III Program Administrator and ESL Coordinator and reviewed additional documentation regarding parental notice and outreach requirements.

*Statutory Requirements are outlined in Title III, Section 3302 and Title VI 34 C.F.R. § 100.3 (a)(b).*

#### **Areas of Compliance**

##### **Annual Parental Notification:**

Evidence was provided that the requirements for parent notification are met at the corporation level within the 30 calendar-day requirement. Native language communication is provided in Spanish.

##### **Parental Outreach:**

South Bend CSC has performed commendably in regard to incorporating parental participation. Effective outreach to parents has been embedded into the English language development program design. A conference is scheduled with each parent of a LEP student to discuss the LAS Links English Proficiency Assessment results and the corresponding instructional program placement for each student. The school corporation has a parent mentor program with volunteer opportunities in each building. The Parent's University has a bilingual contact person to assist with native language communications. The Superintendent has met with parents during the "Taller Para Padres" event. A wide variety of written documents have been translated into Spanish including the parent guide, school sign-in sheets, and other program specific documents.

#### **Findings of Non-Compliance, Required Actions, and Recommendations for Monitoring Topic 2.4**

There are no findings for Topic 2.4.



## **Monitoring Topic 2.5:**

### **Compliance with Program Design and Implementation Requirements**

#### **Background**

IDOE interviewed the Title III program administrator, ESL Coordinator, school principals and Title III program staff and also reviewed documentation regarding program design and implementation requirements.

*Statutory Requirements are contained in Section 3115.*

#### **Areas of Compliance**

##### **Certified Staff are Fluent in English:**

Evidence was provided that teacher licensure, ParaPro assessments, and college transcripts are used to ensure that all certified and classified staff working in language instruction programs are fluent in the English language.

##### **Supervision of Instructional Paraprofessionals:**

Sufficient evidence was provided of the process used to ensure that instructional aides work under the direct supervision of a certified teacher and do not have the sole responsibility of teaching units of study. All instructional aides are assigned to a certified teacher who provides the lesson plans and materials. Instructional assistants spend approximately 90% of their time providing small-group instructional support in the same classroom as the certified teacher.

##### **English Language Development Program Model:**

Evidence was provided of the English language development program model through interviews, document review and classroom observations. The elementary and middle school program consists of self-contained ESL classrooms in which ELL students receive all content area and English language development instruction; as well as pull-out and/or push-in/inclusion support in the regular classroom based on students' level of English proficiency. At the secondary level, sheltered content classes in Social Studies, Science and Math are available with Sheltered Instruction Observation Protocol (SIOP) trained content area teachers and English as a New Language (ENL) is offered for English/language arts credit. ELL students also have the opportunity to receive instruction with Read 180 with a resource specialist.

##### **Instruction and Assessment Adaptations:**

The process used to determine instructional and assessment adaptations for LEP students was demonstrated through evidence that formal and informal formative and summative student data are used by the Title III program staff to determine appropriate instruction and assessment modifications and to develop an Individual Learning Plans (ILP) for each student.

The ILP implementation process was reviewed and it was determined that ILPs were not consistently implemented by classroom teachers in Kindergarten at Lincoln Elementary School and in an International Baccalaureate classroom at Adams High School.

##### **Reclassification:**

Evidence was provided that monitoring and reclassification processes are documented and are consistent for students throughout the school corporation. The academic performance of monitored, former LEP students is monitored four times each semester. In some cases, these students have been identified to receive after-school tutoring for content area remediation at the secondary level.

**Scheduling:**

Documentation was provided as evidence that students are scheduled for classes based on their specific language development needs. Summative LAS Links English Proficiency Assessment data are reviewed to make placement decisions and to inform graduation plans. Title III program staff work collaboratively with school counselors to ensure the needs of the student are met and students stay on track for graduation.

**Retention:**

South Bend CSC provided evidence that a documented process is in place for considering retention of ELL students. The district level policy is outlined in the ENL Handbook and the signature of the Title III Director is required prior to any ELL student's retention.

**Special Education Referrals:**

Evidence was provided of a documented process for referring ESL students for special education evaluation. A native language interpreter, such as the ESL program's Education Specialists, is used for the evaluation process. Stronger coordination between the Title III program staff and the Special Education program staff is needed in order to conduct the evaluation of referred students. All referrals of LEP students to special education should include the results of tests in the child's native language and in English to provide evidence that the difficulties are present in both languages and to ensure that the student's difficulties are truly related to a Special Education exceptionality rather than due to the language acquisition process.

**Collaboration Across Programs:**

Evidence was provided the Title III program collaborates with other state and federal programs for which LEP students are eligible. The Eight Step improvement process through Title I has improved coordination with Title I staff to maximize staffing, curriculum, facilities, and transportation. Summer school instruction is offered in coordination with Title I. Because the Title III AMAO Improvement Plan implementation process is based on not meeting AMAO III: Adequate Yearly Progress (AYP) for the LEP sub-group, coordination with Title I staff has been required in order to address the instructional needs of LEP students.

**Findings of Non-Compliance, Required Actions, and Recommendations for Monitoring Topic 2.5**

**Finding:** Individual Learning Plans (ILPs) were not consistently implemented by classroom teachers in Kindergarten at Lincoln Elementary School and in an International Baccalaureate classroom at Adams High School.

**Required Action:** By Monday, July 12, 2010, South Bend CSC must submit a plan and timeline to ensure that all classroom teachers will consistently implement each LEP student's ILP starting as of the 2010-11 school year.

**Recommendation:** The English language development program model of self-contained ESL classrooms must be examined to ensure that:

- all teachers in the self-contained program who are delivering the primary instruction for core academic subjects meet the federal definition of highly qualified teacher and are appropriately licensed to teach those content areas; and
- LEP students in self-contained ESL/Bilingual classes are given as much opportunity as possible to interact with English speaking peers at lunch and recess, and during instruction in art, music, physical education and other elective classes.

Further, it is recommended that LEP students have as much opportunity as possible to fully participate in the school corporation's general education instructional program with appropriate support from classroom teachers and Title III program staff.

**Recommendation:** The evaluation process of LEP students referred to Special Education must ensure that referrals of LEP students to special education should include the results of tests in the child's native language and in English to provide evidence that the difficulties are present in both languages and to ensure that the student's difficulties are truly related to a Special Education exceptionality rather than due to the language acquisition process.

In searching for a bilingual evaluator or interpreter for assessment purposes, the candidate must be a non-biased party who is fluent in the native language of the student. Ideally, the interpreter/translator should be from the same language, country, and cultural background of the student to avoid linguistic and cultural miscues. Rather than using a bilingual Education Specialist, it is recommended that a qualified, bilingual professional participate in the evaluation process. It is recommended that Dr. Rebecca Martínez Reid, Associate Professor and Director of Center for Child Study at Indiana University, be utilized for this process. Dr. Martínez Reid's email address is [rsm@indiana.edu](mailto:rsm@indiana.edu).